IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3398 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAUSHIKI DWIVEDEE

Versus

STATE OF GUJARAT

Appearance:

MR MB FAROOQUI for Petitioner

MR VM PANCHOLI for Respondent No. 1, 2 & 3

None present for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/03/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. It is not in dispute that the petitioner was admitted in the post graduate course in Obstetrics Gynaecology on

1.7.96 on the basis of her selection on all India basis. She is a candidate from the State of Bihar. By this special civil application, she is praying for quashing and setting aside of the action of the respondents insisting the petitioner to execute a bond for a sum of Rs.75,000/=.

#. Earlier, identical matter has come up before this court and I have decided that from the candidates who have been admitted to post graduate courses at different medical colleges of the State on the basis of their merits in all India examination and they belong to other States, no such bond can be insisted upon from them to be executed. This matter is squarely covered by that decision.

#. In the result, this special civil application succeeds and the same is allowed and the action of the respondents to insist upon the petitioner to execute a bond in the Form, annexure-B to this special civil application, is quashed and set aside. The result of petitioner of post graduate course has already been declared on the condition of furnishing by her bank guarantee of Rs.75,000/=. This bank guarantee is discharged. Rule is made absolute accordingly. The respondent - State of Gujarat is directed to pay Rs.2,000/= as costs of this writ petition to the petitioner.

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(sunil)